

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

S.A. No. 497 OF 2007

Marotirao s/o Baliramji Warankar

V.

Vatsalabai @ Kausalyabai Marotirao Warankar

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr.J.J.Chandurkar Advocate for the appellant.

....

CORAM: A.B. CHAUDHARI, J.
DATED : 1st NOVEMBER, 2007.

This second appeal takes an exception to the judgment and decree made by the appellate court directing the appellant to pay Rs.750/- per month as maintenance to the wife. The learned counsel for the appellant argues that the appellant himself is about 90 years old while the respondent/ wife is more than 75 years old. He argued that in partition (Ex.50) a son with whom the respondent is residing was given about seven

acres of land with a view that the son would maintain her. According to him, since the son is maintaining her there was no need for the appellate court to pass a separate order for her maintenance.

2. Having considered the submissions made by the learned counsel for the appellant, it appears that the parties to this appeal are very old and the appellate court considered the said fact including the allotment of land to a son with whom the respondent is residing. The appellate court has come to a conclusion that she requires maintenance and the quantum that could be fixed was Rs.750/- per month. Looking to the old age of the respondent and also the necessities in the life, I do not think that the appellate court has committed any error in awarding maintenance.

3. Mr.Chandurkar urged this Court to issue notice to the wife/respondent to attempt

to work out some settlement, but I do not think that I should issue notice to an old lady for such a small amount of maintenance. In view of this, this appeal is dismissed.

JUDGE

/TA/